

EXHIBIT LL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

- - -
EQUAL EMPLOYMENT :
OPPORTUNITY COMMISSION :
and :
KATHY C. KOCH :
v. :
LA WEIGHT LOSS : Case No.
WDQ-02-CV-648

- - -
January 14, 2004
- - -

Videotape deposition of NINA
C. CATAGNUS, held in the offices of
Esquire Deposition Services, One
Montgomery Plaza, Suite 708, Norristown,
Pennsylvania, commencing at 10:56 a.m.,
on the above date, before Effie
Roussakis, a Professional Court Reporter
and Notary Public for the Commonwealth of
Pennsylvania.

- - -
ESQUIRE DEPOSITION SERVICES
1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
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<p style="text-align: right;">Page 6</p> <p>1 This deposition is being 2 taken on behalf of the plaintiff. 3 All counsel will be noted on the 4 stenographic record. 5 The court reporter's name is 6 Effie Roussakis and she will now 7 swear in the witness. 8 - - - 9 NINA C. CATAGNUS, after 10 having been duly sworn was 11 examined and testified as follows: 12 - - - 13 EXAMINATION 14 - - - 15 BY MR. PHILLIPS: 16 Q. Good morning, Ms. Catagnus. 17 A. Good morning. 18 Q. Before I begin asking some 19 questions I just have a few sort of 20 instructions for you. 21 Have you ever given a 22 deposition before? 23 A. No. 24 Q. Okay. Well, as you know, we</p>	<p style="text-align: right;">Page 8</p> <p>1 forth or if you didn't hear part of the 2 question, please ask that it be re-asked 3 and that person will do that. 4 A. Okay. 5 Q. And, obviously, if you do 6 answer questions, we will assume that you 7 understood the question. 8 A. Okay. 9 Q. It's also best for one 10 person to be speaking at a time, it just 11 makes for a clearer record and it makes 12 the court reporter's life a lot easier. 13 So if you could wait until whoever is 14 asking the question finishes their 15 question and then we will do everything 16 we can not to interrupt your answers. 17 A. Okay. 18 Q. Is there any reason, 19 physical or mental, why you're not able 20 to fully and truthfully answer questions 21 today? 22 A. In my opinion, no. In 23 others maybe, yes. But, no, I don't 24 think so.</p>
<p style="text-align: right;">Page 7</p> <p>1 have a court reporter here who has just 2 sworn you in and she is taking down what 3 we are saying. 4 If at any point you need a 5 break, please let me know. 6 A. Okay. 7 Q. And we will do that. Also 8 when you're testifying if you could try 9 to give verbal responses to the extent 10 you can. Although, the videographer 11 certainly can register facial gestures 12 and shaking of the head and that sort of 13 thing, the court reporter really can't 14 take down gestures so... 15 A. Okay. 16 Q. If at any point you're asked 17 a question by anyone and you don't 18 understand the question, please ask that 19 it be rephrased and that person will do 20 that. 21 A. Okay. 22 Q. And if at any point you, you 23 know, forget what the question was 24 because counsel has been arguing back and</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. But you feel well? 2 A. Yes. 3 Q. And you're able to 4 understand my questions right now? 5 A. Absolutely. 6 Q. Okay. Could you state your 7 name for the record, please? 8 A. Yes. Nina C. Catagnus. 9 Q. And what is your current 10 address, Ms. Catagnus? 11 A. 25 Raleigh Drive, 12 Downingtown, PA 19335. 13 Q. Okay. Ms. Catagnus, have 14 you ever worked for LA Weight Loss? 15 A. Yes. 16 Q. Where did you work for LA 17 Weight Loss? 18 A. I was an area supervisor for 19 LA Weight Loss, meaning I was in charge 20 of several centers at one time. 21 Q. And that was in the State of 22 Pennsylvania? 23 A. Yes, it was. 24 Q. And generally around the</p>

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1 Philadelphia area?
 2 A. Yes. That's correct.
 3 Q. And at some point you
 4 managed centers -- well, let me ask you.
 5 What centers did you manage as an area
 6 manager at LA Weight Loss when you first
 7 started?
 8 A. When I first started I
 9 managed the Philadelphia market which
 10 consisted of Exton -- I have to remember
 11 all of them -- Springfield, oh gosh, very
 12 difficult.
 13 Q. Is Bala --
 14 A. Bala Cynwyd was one,
 15 correct.
 16 Q. How about Center City?
 17 A. Center City very briefly,
 18 yeah. I changed -- we continually
 19 changed the areas that we were managing.
 20 Pottstown, I managed. And then I had the
 21 Delaware centers, Brandywine, Dover, and
 22 Newark, Delaware.
 23 Q. Is there a Springfield?
 24 A. Springfield, yes, was one of

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1 the original ones I managed, Exton,
 2 Springfield, Bala.
 3 Q. Okay. Can you describe for
 4 me what your job consisted of as an area
 5 manager or area supervisor?
 6 A. Okay. Primarily I was to go
 7 in and train the managers how and coach
 8 the managers how to sell programs for
 9 clients that would come in. And I
 10 oversaw the running in terms of
 11 monetarily. I would oversee what we did
 12 in each center. It was my position to
 13 get financial numbers every day from all
 14 the centers and then I would compile
 15 those numbers and then send them to
 16 headquarters every night, that was a big
 17 part of the job.
 18 So, again, overall managing
 19 of the center, seeing that they were
 20 running smoothly, hiring employees,
 21 dismissing employees was part of my job
 22 as well. Again, coaching is a real big
 23 part of that.
 24 Q. You mentioned hiring, what

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1 positions did you conduct hiring for at
 2 LA Weight Loss?
 3 A. All positions within the
 4 centers, management, manager, assistant
 5 manager, counselors.
 6 Q. Medical assistants also?
 7 A. Yes, uh-huh, that's correct.
 8 Q. And just to go back, do you
 9 recall when you started your employment
 10 at LA Weight Loss?
 11 A. Yes.
 12 Q. When was that?
 13 A. Oh, the actual date, I'm
 14 sorry, I don't remember that.
 15 Q. Does -- March 16th, 1998,
 16 does that sound generally right?
 17 A. That sounds about right.
 18 Q. Okay. And do you recall
 19 when your employment ended at LA Weight
 20 Loss?
 21 A. Again, I can't remember the
 22 exact dates.
 23 Q. November 1999, does that
 24 sound accurate?

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1 A. I know it was around
 2 Thanksgiving. I'm sorry, of what year?
 3 Q. '99.
 4 A. No. I was there for, I
 5 believe, over two years, I believe. I
 6 have to think about this one. Give me a
 7 minute. I believe it may have been
 8 2000. I'm not definite on that. The end
 9 of '99 or 2000.
 10 Q. In the -- just to let you
 11 know -- pardon me -- the company records
 12 do show the end of '99.
 13 A. Okay.
 14 Q. I mean, does that sound like
 15 it may be correct?
 16 A. I thought I was there for at
 17 least two years.
 18 Q. Okay. Okay. Well, we can
 19 -- we can maybe go over that again here
 20 in a second.
 21 Now, you mentioned that as
 22 an area supervisor you had hiring
 23 authority?
 24 A. Yes.

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1 opportunity to observe his work?
 2 A. Yes.
 3 Q. So you don't know of any
 4 complaints from clients regarding Mr.
 5 McCann?
 6 A. Not at all.
 7 Q. Now, earlier you mentioned
 8 that Eileen Stankunous had also made some
 9 statements to you about whether or not
 10 you should hire men?
 11 A. Yes.
 12 Q. Do you recall what she told
 13 you?
 14 A. Primarily, again, same
 15 thing, along the same lines, that she
 16 believed that females would not feel
 17 comfortable with male counselors.
 18 Q. Did she say to you that you
 19 should not hire men?
 20 A. No, she did not.
 21 Q. Okay. But she did express
 22 the view that females --
 23 A. In her opinion, correct.
 24 Q. -- would not feel

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1 comfortable with a male counselor?
 2 A. Yes, she did.
 3 Q. Okay. How did that subject
 4 come up, do you recall?
 5 A. I believe we went out to
 6 lunch one day and we were talking about
 7 hiring practices and we talked a little
 8 bit at the time about men being hired for
 9 the center and for the company, and that
 10 is when she told me that was her belief.
 11 But, again, she did not tell me not to
 12 hire men, that was Lesia Petrizio.
 13 Q. Thank you.
 14 A. You're welcome.
 15 Q. Other than Ms. Petrizio and
 16 Ms. Stankunous, did you ever hear anyone
 17 else make any remarks about the issue of
 18 hiring men or not hiring men?
 19 A. I don't really recall
 20 comments, but it was almost as a known
 21 that men were not supposed to be hired.
 22 But, again, no other comments that I can
 23 recall at this time.
 24 Q. Did anyone ever make any

Page 24

1 statements to you about what you should
 2 do if a man applied?
 3 A. Let me think about that for
 4 a minute. Because I was the first person
 5 that generally would interview, they
 6 wouldn't know until afterwards that a
 7 male applied and that is when the
 8 comments were made.
 9 Q. Okay. Do you know who made
 10 the decision to transfer you to Lehigh
 11 Valley?
 12 A. I do not know for sure.
 13 Lesia is the one who told me.
 14 Q. I wanted to just ask you a
 15 few questions about the company's
 16 recordkeeping practices while you were
 17 employed there.
 18 A. Okay.
 19 Q. Do you know -- did you ever
 20 know if the company had a policy
 21 regarding how long applications for
 22 employment needed to be retained?
 23 A. We didn't have a policy at
 24 the time that I know of, that I'm aware

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1 of.
 2 Q. And the same would be true
 3 for resumes, cover letters, things of
 4 that nature?
 5 A. Generally, we kept the
 6 resumes ourselves, the area supervisor.
 7 There was no clear policy as to how long
 8 we had to keep them.
 9 Q. Okay. How long did you keep
 10 them for?
 11 A. I actually still have them.
 12 Q. You still have some?
 13 A. Yes.
 14 Q. Okay. Were there ever
 15 occasions that you know of when you were
 16 employed at LA Weight Loss when
 17 applications or resumes for employment
 18 were discarded or destroyed?
 19 A. What happened then the
 20 procedure changed, the resumes did not
 21 come to the area supervisors directly,
 22 they now went to Lesia Petrizio and she
 23 also placed ads in the papers as well and
 24 people responded to her directly.